

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE STATE OF MARYLAND.

RANDY ANTHONY WEAVER,
PLAINTIFF,

"PETITION FOR WRIT OF
HABEAS CORPUS"

V.

CASE NO 8 DKC-09-1118

M. VAN EVANS,

DEFENDANT(S)

COMES NOW, THE PLAINTIFF, RANDY ANTHONY WEAVER,
FILING PRO-SE IN THIS MATTER, DOES HEREBY FILE FOR
THE ISSUANCE OF A "WRIT OF HABEAS CORPUS", REQUIRING
THAT THE ABOVE-NAMED DEFENDANT PRODUCE THE PLAINTIFF
BEFORE THIS HONORABLE COURT, AND BE COMPELLED TO
SHOW CAUSE AS TO WHY THE PLAINTIFF SHOULD NOT BE
IMMEDIATELY RELEASED FROM DEFENDANT'S CUSTODY.

IN SUPPORT THEREOF, THE PLAINTIFF RESPECTFULLY
WOULD STATE THE FOLLOWING:

1. IN MAY 25, 2008, THE PLAINTIFF WAS ARRESTED BY
FREDERICK COUNTY SHERIFF'S DEPARTMENT ON TWO
WARRANT'S. THE FIRST WAS FOR FREDERICK COUNTY, CASE
5U53555 (PLAINTIFF HAS EXHIBIT'S), THE OTHER WAS
THE WASHINGTON COUNTY CASE, CASE # 4V00059147.

THAT CASE IS THE SUBJECT MATTER OF THIS WRIT.
(PLAINTIFF HAS COURT RECORDS - EXHIBITS B-C-D)

2. BECAUSE THE PLAINTIFF WAS UNABLE TO POST THE BONDS AFFIXED TO THOSE CHARGES, THE PLAINTIFF REMAINED IN CUSTODY ON BOTH CASES FROM MAY 25TH 2008 UNTIL HE WAS "WRIT-ED" TO WASHINGTON COUNTY ON OCTOBER 2ND 2008. THE STATE AT THAT TIME MOVED TO PLACE THE PLAINTIFF'S CASE ON THE "STET" DOCKET, AND A RELEASE FROM COMMITMENT ORDER WAS ISSUED.

3. THEREFORE, THE PLAINTIFF SERVED ONE-HUNDRED AND THIRTY-DAYS (130) PRIOR TO BEING RELEASED ON THE WASHINGTON COUNTY CASE. THE STATUTE ONLY CARRIED A MAXIMUM INCARCERATION OF NINETY DAYS (90).

4. IN JANUARY 20TH 2009, THE STATE MOVED TO NOW "UNSTET" THE PLAINTIFF'S CASE, AND IN APRIL 14, 2009 THE PLAINTIFF WAS GIVEN A BENCH TRIAL WITH A FINDING OF GUILTY. COURT IMPOSED A 90 DAY SENTENCE AND THE PLAINTIFF WAS TAKEN INTO CUSTODY.


5. AT PLAINTIFF'S BENCH TRIAL, THE PLAINTIFF CLEARLY INFORMED THE COURT AND COUNSEL THAT PLAINTIFF HAD ALREADY SERVED FORTY DAYS (40) LONGER THAN THE MAXIMUM PUNISHMENT,

AND THE PLAINTIFF DISOFFERED PROOF THAT HE WAS IN FACT HELD IN BOTH FREDERICK AND WASHINGTON COUNTY CUSTODY, AND SHOULD BE GIVEN TIME SERVED IMMEDIATELY.

6. THE PLAINTIFF CLEARLY ASSERTS AND HAS INFORMED STAFF AT THE WASHINGTON COUNTY DETENTION CENTER THAT HE IS BEING ILLEGALLY AND UNLAWFULLY HELD AT THAT FACILITY. NO-ONE AT THAT FACILITY TOOK ACTION TO CORRECT THIS MISCARRIAGE OF JUSTICE. THE PLAINTIFF NOW HAS FILED THIS "WRIT OF HABEAS CORPUS", SEEKING HIS RELEASE FROM CUSTODY.

WHEREFORE, BASED UPON THE FOREGOING FACTS, AND TO PROTECT THE PLAINTIFF'S STATE AND FEDERAL RIGHTS, THE PLAINTIFF SEEKS AN ORDER, FROM THE COURT, DIRECTING THE DEFENDANT TO IMMEDIATELY RELEASE THE PLAINTIFF FROM THE CUSTODY OF THE DEFENDANT AT WASHINGTON COUNTY DETENTION CENTER, AND/OR THAT THIS COURT HOLD A HEARING ON THIS MATTER.

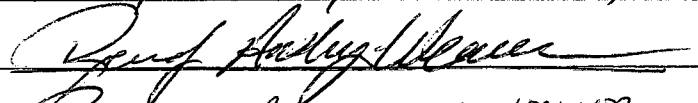
DATED THIS 28TH DAY OF
APRIL, 2009.

RESPECTFULLY SUBMITTED,

RANDY ANTHONY WEAVER
PLAINTIFF - PRO SE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, THAT A TRUE AND CORRECT COPY OF PLAINTIFF'S "WRIT OF HABEAS CORPUS" WAS ON THIS DAY, THE 28TH DAY OF APRIL 2009 HAND DELIVERED TO AN AGENT ACTING ON BEHALF OF THE DEFENDANT AT WASHINGTON COUNTY DETENTION CENTER, 500 WESTERN MARYLAND PARKWAY HAGERSTOWN, MARYLAND 21740.

RESPECTFULLY SUBMITTED,



RANDY ANTHONY WHEELER

PLAINTIFF-PRO SE